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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,975	06/11/1999	ANDREW EDWARD RYAN	UDL-078	1088

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DAVID P GORDON ESQ
65 WOODS END ROAD
STAMFORD, CT 06905

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,975

Applicant(s)

RYAN, ANDREW EDWARD

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FINAL ACTION

1. Claims 1-15 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior office action.
3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (US 5,608,387) in view of Diehl et al. (US 6,317,544 B1).
4. Davies was cited by applicant in IDS (paper #2).
5. As to claim 1, Davies discloses a computer network (col. 8, lines 3-4 and 24-26), the network comprising:
 - a first computer (1, 8, 9, 12, 18, 20, fig. 1) and a second computer (10, fig. 1; col. 8, lines 24-26);
 - means in said first computer for storing a plurality of complex images (col. 4, lines 20-23), each of said complex images having an identity (col. 1, lines 55-67);
 - means for selecting at least one complex image from said plurality of complex images stored by said first computer (col. 3, lines 12-14);
 - means for transmitting the identity of said selected complex image or images from client to said second computer (col. 2, lines 39-43; col. 13, lines 24-27); and

means for determining by said second computer, from the identity of the or each image selected, whether the first computer is authorized to gain access, via the second computer, to a network resource (col. 2, lines 26-34; col. 3, lines 8-16; col. 5, lines 22-30).

6. Davies does not specifically disclose a distributed client/server. However, Davies disclose the first computer (1, 8, 9, 12, 18, 20, fig. 1) requests a message to ask for some work to be done (i.e. client) and the second computer (10, fig. 1; col. 8, lines 24-26) does the work and sends back the reply (i.e. server). It would have been obvious to one of ordinary skill in the art at the time invention was made to include a distributed client/server is well known that clients are able to access and share data stored on servers through a network. Furthermore, Diehl et al. explicitly use a term distributed client/server computer network (col. 1, lines 36-40 and 64-65).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Davies and Diehl et al. because Diehl et al's distributed client and server computer network would improve the capability of Davies's system by establishing a communication between a client and a server in the network thereby providing a client with access to the network resource (col. 1, lines 36-55).

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8. As to claim 2, Davies discloses at least one key image and at least one dummy image, access to the network resource being gained by the client by selecting the or each key image in preference to the or each dummy image (col. 4, lines 20-23).

9. As to claims 3, Davies discloses the order in which two or more images are selected is used to determine whether the client is authorized to gain access to the resource (col. 4, lines 32-40).

10. As to claims 5, 8, and 15, Diehl et al. further disclose the plurality of images are down-loaded from the server to the client (col. 1, lines 64-67; col. 2, lines 1-12; col. 9, lines 7-14).

11. As to claims 4, 6-7 and 9-11, Davies discloses the dummy images comprise a subset of the reminder of the plurality of images from which the or each key image is chosen (col. 3, lines 8-16); and an alternative set of images to those from which the key image or images are chosen, but which images bear a resemblance to the key image or images (col. 7, lines 61-65).

12. As to claims 12-13, Davies discloses the order in which two or more images are chosen determines the order in which the images must subsequently be selected (col. 8, lines 52-61).

13. As to claim 14, it is rejected for the same reasons set forth in the rejection of claims 1-13 above.

14. Applicant's arguments filed on 3/8/2002 have been fully considered but they are not persuasive.

15. In the remarks, applicants argued in substance that

(1) The complex images of Davies are entirely from the server and are displayed entirely by the server. On the other hand, the images claimed in the newly clarified claims 1 and 14 are stored within the client and are displayed entirely by the client.

(2) In Davies, the images are fully images, requiring full bandwidth in order to be displayed. In contrast, the only bandwidth required is the most minimal. The wording of claims 1 and 14 now make this evidently clear.

16. Examiner respectfully traverses applicant's remark.

As to point (1), Davies discloses a first computer (1, 8, 9, 12, 18, 20, fig. 1) to store images (col. 4, lines 20-23) and to display images (col. 2, lines 39-43). Client and server are determined that which device requests a message to ask for some work to be done (i.e. client) and which device does the work and sends back the reply (i.e. server).

Therefore, if a client provides information requested from server, the client stands as a

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server. Changing the label from "server" to "client" in the newly amended claims 1 and 14 will not serve as a basis for patentability.

As to point (2), Applicant's claimed invention does not support applicant's arguments. Claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. In re Self, 213USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). Furthermore, Davies discloses

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the


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examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:00-4:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang
June 3, 2002


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100